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| 09/578,904      | 05/26/2000  | Robert R. Bushey     | P19004              | 8391             |

7055 7590 10/14/2005

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EXAMINER

BAUTISTA, XIOMARA L

| ART UNIT | PAPER NUMBER |
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2179

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,904

Applicant(s)

BUSHEY ET AL.

Examiner

X L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/22/05 &amp; 8/1/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments with respect to claims 3-18, filed 7/26/05 have been fully considered but they are not persuasive.

A. Applicant argues, "claims 3 and 11 recite tracking design requirements for the validated user behaviors and user preferences...such a feature is not taught or suggested by the applied references." (page 6, last 5 lines).

In response, Feng discloses personalization of a user interface and the use of models for defining and tailoring an interface for different types of users (col. 3, lines 14-29; col. 4, lines 12-47).

B. Applicant argues "Claim 11 recites documenting and validating pre-determined targeted behaviors and preferences of the model. The rejection does not address the 'documenting' limitation...validating is not believed to be shown by the applied reference." (page 7, lines 3-6).

In response, Feng uses model for determining which interface will be created for a specific type of user. Monitoring or tracking user behavior, collecting or documenting the monitored information, and validation of the monitored information is necessary for the system to determine which interface to generate for

a specific type of user. For example, if the user is an agent specialized in billing, the interface should provide the agent with the tools needed to provide that specific type of service; if the user is an agent specialized in sales, then the agent should be provided with an interface that is appropriate for sales.

C. Applicant argues, "Claim 11 also recites integrating user-customization into a design...Such feature allows a user to select his interface style...if the system does not recall the user's style...or the user is a new employee and does not yet have a defined style, the integrating feature applies."

In response, Nahaboo discloses creating and editing functions that allow users to select and modify interface objects (col. 7, lines 11-16, 55-67), display information, set behaviors (col. 7, lines col. 8, lines 1-16, 45-54), and test interface behaviors (col. 6, lines 62-64).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over *Feng* (US 6,483,523 B1), *Nahaboo et al* (US 5,974,253) and *Szlam et al* (US 5,594,791).

Claim 1:

Feng discloses a system and method for presenting a personalized browser interface to fit the demands of different types of users. Feng teaches that a personal profile is used that corresponds to personal quality (qualitative model) and temperament (behavioral characteristics) for recognizing every user's operational habit (quantitative model), (col. 4, lines 48-67; col. 5, lines 1-7). The browser has pre-set browser interface models. After recognizing the current user's operational habit and personal quality by using the personal profile, a suitable browser interface can be selected from the pre-set browser interface models for the current user. The appearance and function of the browser interface is adjusted subject to the user's habits (behavioral characteristics, preferences), that is, a personalized browser interface is provided (interface deployment) to fit the user (abstract; col. 2, lines 51-62). The set of browser interface models correspond to predetermined types of users (categorizing a user population into a plurality of groups) for defining the appearance and function of the browser interface, and the personal profile records the type of user using the browser (col. 2, lines 1-33; col. 4, lines 12-47).

Feng does not teach interactive interface testing. However, Nahaboo discloses an interactive user-interface description tool having an editor that allows a user to create or modify an interface and enables real-time execution of the

application functions (abstract; col. 3, lines 40-67). Nahaboo teaches that in the editing mode, the application interface can easily be modified and execution mode allows the user to test (validate) the behavior of the interface (col. 6, lines 60-64; col. 7, lines 11-16). Thus, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Feng to include Nahaboo's teaching of interactively testing an interface because testing determines the effectiveness of the personalized interface for the current user.

Feng/Nahaboo does not teach the customized user interface if for customer service representatives. However, Szlam discloses an automated customer service system that is user programmable and maintains and uses a customer sensitivity profile and an agent qualification profile to provide the end user with services that are appropriate to his needs or preferences (abstract; col. 3, lines 35-40, 57-62). Szlam teaches that a system administrator (customer service provider) is enabled to specify the conditions under which a campaign (user service) will be provided or modified (col. 6, lines 1-55). The agent (customer service provider) obtains the interface that is appropriate for the service that will be provided to specific customers and that is adequate for the agent's needs or skills (col. 6, lines 56-67; col. 7, lines 1-15, 23-65; col. 9, lines 7-21; col. 23, lines 13-35, 53-67; col. 25, lines 32-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Szlam's teaching of using agent profiles and

customer profiles in Feng/Nahaboo's graphical user interface because system users are provided with the appropriate tools according to their competence or skills in order to provide the best customer service possible and end users are provided with a service that is based on his needs and preferences.

Claim 2:

See claim 1. Feng teaches a method for categorizing, describing, and modeling a user population into groups based on behavioral characteristics and/or user preferences (abstract; col. 2, lines 1-33, 51-62; col. 3, lines 14-29, 33-41, 44-49; col. 4, lines 14-47).

5. **Claims 3, 4, 6, 7, 9, 11, 12, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feng* (US 6,483,523 B1) and *Nahaboo et al* (US 5,974,253).**

Claim 3:

See claim 1. Feng/Nahaboo teaches designing a customized user interface, categorizing users into groups, describing the categorized user behaviors and preferences, validating targeted user behaviors and preferences; capturing emergent behaviors and preferences (Feng, col. 4, lines 12-47); validating targeted user behaviors and user preferences of the model (Feng, col. 2, lines 51-62; col. 3, lines 31-49); tracking design requirements and implementations (Feng, col. 3, lines

8-29); accommodating diversity in performance and preference during testing (Nahaboo, col. 6, lines 60-64; col. 7, lines 11-16); and customizing a user interface design to the users (Feng, col. 5, lines 33-38).

Claims 4 and 12:

Feng teaches that the interface may be used to browse a data bank or web station that provides a particular service such as video on demand or internet shopping (sales and billing negotiation system), (col. 1, lines 19-24).

Claims 6 and 14:

See claim 4. Feng teaches that the graphical user interface may be used for internet and multimedia applications which display a personalized browser interface to fit the demands of different types of users (col. 1, lines 6-14; col. 2, lines 63-67; col. 3, lines 1-7).

Claims 7 and 15:

See claim 1. Feng/Nahaboo discloses an interactive graphic user interface (Feng: col. 4, lines 13-42; Nahaboo: abstract; col. 6, lines 62-64; col. 7, lines 11-16).

Claims 9 and 17:

Feng teaches a graphical user interface that is incorporated into a computer operating system (fig. 1; col. 2, lines 51-67; col. 3, lines 1-29; col. 5, lines 9-38).

Claim 11:

See claim 3. Feng teaches a user profile to enable users to enter personal



data and which recognizes the user's operational habits and personal qualities (col. 2, lines 51-56). Nahaboo teaches a create function and edit function that allow users to select and modify interface objects (such as navigation objects, buttons, windows, widgets, etc.) and display information or set behaviors, (col. 7, lines 11-16, 55-67; col. 8, lines 1-56). Feng/Nahaboo teaches that a user can use a profile to enter personal data, preferences and information display choices that can be applied to the interface (Feng: col. 1, lines 1-33, 50-67; col. 4, lines 12-47).

6. **Claims 5, 8, 10, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feng/Nahaboo* and *Abelow* (US 5,999,908).**

Claims 5 and 13:

Feng/Nahaboo does not teach the user interface can be incorporated into a graphical user interface of telephone system. However, Abelow discloses a customer-based product design module designed to embed a new type of product feature within a range of products and services helping them evolve into customer directed products by means of development interactions (abstract; col. 9, lines 15-29). Abelow teaches that product interfaces are increasingly connected to built-in or embedded computing. Abelow teaches that the invention can be incorporated into a telephone system (col. 6, lines 37-44; col. 74, lines 39-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to

modify Feng/Nahaboo's interface to include Abelow's teaching of incorporating the interface in telephone systems or other types of system because the invention enables all types of users to obtain customized graphical user interfaces to fit their personal/group preferences, behaviors and/or skills.

Claims 8 and 16:

See claim 5. Abelow explains that the invention may be used to fit business operations (abstract) and can be incorporated in (ATMs) Bank Automated Teller Machines (col. 6, lines 23-28).

Claims 10 and 18:

See claim 5. Abelow teaches interfaces that are used in business offices and are transforming computers and TV screens via interactive services (col. 2, lines 13-19, 47-62). Abelow teaches a graphical user interface that can be incorporated into a television-programming interface (col. 12, lines 5-14; col. 18, lines 50-67; col. 19, lines 1-14; col. 84, lines 21-40).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Iizawa et al* discloses an automatic interface layout generator for building a graphical user interface having specific interface objects that are appropriate for the type of user and/or service to be provided (abstract; col.

1, lines 40-67; col. 7, lines 54-58; col. 8, lines 56-67; col. 9, lines 1-3; figs. 2 and 12); *Massaro et al* discloses a method for providing enhanced user interfaces having different levels of complexity for particular functions for each type of user (abstract; col. 1, lines 58-67; col. 2, lines 1-13; col. 3, lines 19-50; col. 4, lines 21-23; col. 5, lines 58-67; col. 6, lines 34-47); and *Root et al* discloses a method for creating a customized interface for each user that will use a computer system.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

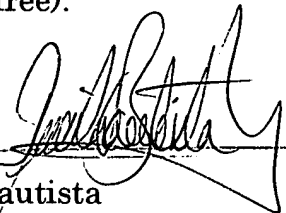
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to X L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
X L Bautista  
Primary Examiner  
Art Unit 2179

xlb  
October 11, 2005